

REMARKS/ARGUMENTS

Claims 1-32 are pending in the present application. Claims 1-32 have been rejected. Claims 1, 16, 17, 18, 20, 29, 30 and 31 have been amended.

Applicants respectfully respond to this Office Action.

A. Claims 1-32 Rejected under 35 U.S.C. § 102

The Examiner rejected claims 1-32 under 35 U.S.C. § 102(a) as being anticipated by Drake, U.S. Patent No. 6,006,328 (hereinafter, "Drake"). This rejection is respectfully traversed.

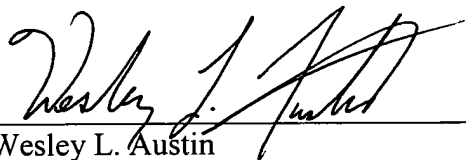
"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." M.P.E.P. § 2131 (July 1998) (citing Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). "The identical invention must be shown in as complete detail as is contained in the . . . claim." M.P.E.P. § 2131 (July 1998) (citing Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, "the reference must be enabling and describe the applicant's claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention." In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Claim 1 has been amended to include that the system is for "detecting the presence of an observing program on a computer system." Thus the claim is directed towards a computer program for detecting observer programs. Further, claim 1 also now recites that "the observing program is programmed to observe a user's activities on the computer system by monitoring user input entered through a user input device and to create data from the observing on a the computer system." The other independent claims have been amended to include similar limitations. Other amendments have been made to the claims to more narrowly claim the present invention.

Appl. No. 09/491,727
Amdt. Dated January 18, 2005
Reply to Office Action of September 14, 2004

Applicant respectfully asserts that claims 1-32 are patentably distinct from the cited references, and requests that a timely Notice of Allowance be issued in this case. If there are any remaining issues preventing allowance of the pending claims that may be clarified by telephone, the Examiner is requested to call the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wesley L. Austin', is written over a horizontal line.

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Date: January 18, 2005

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